

MATTHEW TOTILO, individually and on  
behalf of himself and all others similarly,  
situated,

Plaintiff,

v.

STEVEN F. HERBERT and  
JAMES P. GROSS,

Defendants.

DOC # 4  
**MEMO ENDORSED**

07-cv-10991 (LAK)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/16/08
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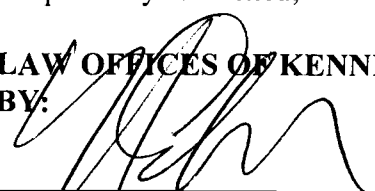
**NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed affirmation of Kenneth Elan, Esquire,  
dated DECEMBER 20, 2007, the undersigned will move this Court, for an Order pursuant to Rule  
1.3(c) of the Local Civil Rules of this Court, permitting Robert P. Frutkin, Esquire, to appear as  
counsel on behalf of plaintiff Matthew Totilo, *pro hac vice* for all purposes in this proceeding.


Dated: 12/20/07

Respectfully submitted,

LAW OFFICES OF KENNETH ELAN  
BY:

  
Kenneth Elan  
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**MEMO ENDORSED**

  
LEWIS A. KAPTAN, USDSJ  
1/15/08

637207 \$25 1-3-08 mg  
Exhibit A

Exhibit B